

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 1, 2009

DIVISION ONE

B208051 Olivarez et al. (Not for Publication)
 v.
 Craig Realty Group Citadel, LLC et al.

The judgment is affirmed. Respondents are awarded their costs on appeal.

Rothschild, J.

We concur: Mallano, P.J.
 Chaney, J.

DIVISION TWO

B213575 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 R.S., Sr.

The orders denying father's section 388 petition and terminating his parental rights to R.S. are affirmed.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
 Chavez, J.

September 1, 2009 (Continued)

DIVISION TWO (continued)

B209331 Heiss (Not for Publication)
v.
City of Baldwin Park

The summary judgment is affirmed. The City is awarded its costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B208782 Hearn, et al. (Not for Publication)
v.
Howard

The judgment is affirmed as modified, striking \$15,000 in attorney fees from the damages award. In view of the unhelpful nature of the respondents' brief, the parties are to bear their own costs on appeal.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

DIVISION THREE

B203962 Walmach, et al. (Not for Publication)
v.
Foster Wheeler

The judgment is affirmed. Plaintiffs are awarded costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

September 1, 2009 (Continued)

DIVISION THREE (continued)

B209828 People (Not for Publication)
v.
Hovanes John Ashikian

Ashikian's convictions for making criminal threats (§ 422, count 9) and for simple assault (§ 240, count 10), are reversed. The abstract of judgment is modified to reflect the low term of three years, concurrent, on count 6. The clerk of the superior court is ordered to prepare an amended abstract of judgment and forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and J. Belcher, Deputy Clerk.

B206550 People v. Ayala

Argument waived, cause submitted.

B212305 Brenda Moon
v.
Reginald Moon

Merits:
Argued by Jack Humes for appellant and by Betty Barrington for respondent. Cause submitted.

DIVISION FIVE (continued)

B209303 People
 v.
 Luis Delgado

Merits:

Argued by Lynda Romero for appellant and by Steven Mercer, deputy attorney general, for respondent. Cause submitted.

Court recessed.

Court reconvened at 10:00 a.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and J. Belcher, Deputy Clerk.

B210148 People v. Duong

Argument waived, cause submitted.

B210740 People
 v.
 Osmin Erazo

Merits:

Argued by Lenore DeVita for appellant and by Dana Ali, deputy attorney general, for respondent. Cause submitted.

B205735 Martin Kelly
 v.
 CB & I Constructors, Inc.

Merits:

Argued by Robert Wright for appellant and by Terry Kesinger for respondent. Cause submitted.

Court recessed.

September 1, 2009 (Continued)

DIVISION FIVE (continued)

Court reconvened at 11:00 a.m.

Present: Turner, P.J., Mosk, J., Kriegler, J. and J. Belcher, Deputy Clerk.

Each of the following:

B211526 People v. U.M.
B213253 People v. Espinoza
B213842 DCFS v. R.A.

Argument waived, cause submitted.

B217319 State of California
 v.
 SCLA
 Fairfax, rpi

Merits:

Argued by Alexander Prieto for petitioner and by Michelle West for real party in interest. Cause submitted.

B209424 Helen Kawagoe
 v.
 Dean Logan
 Carson Citizens for Reform

Merits:

Argued by Patricia Salsea, deputy county counsel, and Douglas Haubert for appellants and by Christopher Sutton for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Turner, P.J., Mosk, J., Kriegler, J. and J. Belcher, Deputy Clerk.

DIVISION FIVE (continued)

Each of the following:

B209044 People v. De La Torre & Silva
B210899 People v. Esqueda
B209800 People v. Johnson, Moore & Bennett

Argument waived, cause submitted.

B215477 Baldwin Park Police Officers Association
 v.
 City of Baldwin Park

Merits:
Argued by Russell Perry for appellants and by Douglas Haubert for respondents. Cause submitted.

B207613 1680 Property Trust
 v.
 Anne Newman

Merits:
Argued by Richard Love for appellants and by Toni Rae and Anthony Vittal for respondents. Cause submitted.

B213185 Saul Villegas
 v.
 Harsco Corporation

Merits:
Argued by Dennis Elber for appellant and by Thomas Charchut for respondent. Cause submitted.

Court Adjourned.

September 1, 2009 (Continued)

DIVISION FIVE (continued)

B209568 People
v.
Olga Rutterschmidt

Filed order denying petition for rehearing.

DIVISION SIX

B214217 Santa Barbara County Child Welfare Services. (Not for Publication)
v.
P.P.
In re J.P., et al., Persons Coming Under the Juvenile Court Law

The judgment (order) is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

DIVISION SEVEN

B206397 People (Not for Publication)
v.
Gibson

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

September 1, 2009 (Continued)

DIVISION SEVEN (continued)

B212174 People (Not for Publication)
v.
H.G.

The maximum term of confinement is stricken. As modified, the juvenile court's order is affirmed.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

B204871 Madalon Witter (Not for Publication)
v.
California Coastal Commission

The judgment is affirmed. The Commission is awarded costs on appeal.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

B213559 Los Angeles County, D.C.F.S. (Not for Publication)
v.
M.E.

The order is affirmed.

Woods, J.

We concur: Perluss, P.J.
Jackson, J.

DIVISION SEVEN (continued)

[illegible]

The Court is directed to correct the sentencing minute order and abstract of judgment to reflect the five year enhancement on count 1 was imposed pursuant to section 12022, subdivision (c), to stay the one-year sentence on count 2 pursuant to section 654 and to enter the correct name of the prosecuting attorney (Carol Rose). The court is further directed to prepare and file with the Department of Corrections and amended abstract of judgment reflecting those changes. In all other respects, the judgment is affirmed.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

B209110 Jam (Not for Publication)
v.
Mitchell

The judgment is affirmed. Jam is entitled to recover his costs on appeal.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

B204633 People (Not for Publication)
v.
Garcia

The judgment is affirmed.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

DIVISION SEVEN (continued)

B210713 Ramnik Trivedi (Not for Publication)
v.
State of California

The judgment is affirmed. Respondent shall recover its costs, if any, on appeal.

Zelon, J.

We concur: Perluss, P.J.
 Jackson, J.

B209625 People (Not for Publication)
v.
Gaines

The clerk of the superior court is ordered to prepare an amended abstract of judgment as set forth in this opinion and to forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
 Jackson, J.

B205432 People (Not for Publication)
v.
Prado

The judgment is modified to impose and stay the sentence enhancements under Penal Code section 12022.53, subdivisions (b) and (c). The clerk of the superior court is ordered to prepare an amended abstract of judgment as set forth in this opinion and to forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Zelon, J.

We concur: Woods, Acting P.J.
 Jackson, J.